



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Twenty-sixth Meeting Day

Tuesday Morning

February 27, 2007

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Scott D. Pelath.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezgodski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 316: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 28, 2007, at 1:00 p.m.

GOODIN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 20, 70, 106, 129, 201, 238, 248, 390, 412, 432, 490, and 555 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

SB 9 — Kuzman, Soliday

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 113 — Reske, Cherry

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 193 — C. Brown, T. Brown

Committee on Public Health

A BILL FOR AN ACT concerning health.

SB 276 — Cheney, Bell, GiaQuinta, Torr

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 293 — Pierce, Richardson

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 315 — Austin, Reske, Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT concerning utilities and transportation.

SB 327 — Mays, Duncan
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 328 — Welch, Bell

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 331 — Grubb, Thomas

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 333 — C. Brown, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 357 — Dembowski, Bischoff, Dermody, Thompson

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 379 — Bardon, Dobis, Burton

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

SB 416 — Dembowski, Oxley, Saunders

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 419 — Bardon, Foley

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SB 450 — Stemler, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 463 — Tincher, Ruppel

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 471 — L. Lawson, Foley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 489 — Welch, Koch

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 504 — C. Brown, T. Brown

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 526 — VanHaaften, Foley, Kuzman, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 536 — Austin, Borror

Committee on Small Business and Economic Development

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 550 — Welch, Grubb, Crouch, Dodge

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 567 — Porter, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 568 — Tincher, McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Representative Tincher, who had been excused, was present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1067

Representative Crooks called down Engrossed House Bill 1067 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 317: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks and Hume.

Engrossed House Bill 1221

Representative Cheney called down Engrossed House Bill 1221 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Tallian.

Engrossed House Bill 1693

Representative Cochran called down Engrossed House Bill 1693 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Wyss.

Engrossed House Bill 1012

Representative Koch called down Engrossed House Bill 1012 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Delph, Simpson, and Steele.

Representative Bell was excused for the rest of the day.

Engrossed House Bill 1389

Representative Welch called down Engrossed House Bill 1389 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 56, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Altling and Sipes.

Engrossed House Bill 1177

Representative Dvorak called down Engrossed House Bill 1177 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 322: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Broden.

Engrossed House Bill 1344

Representative Tyler called down Engrossed House Bill 1344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 68, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Simpson and Deig.

Engrossed House Bill 1308

Representative Cheatham called down Engrossed House Bill 1308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 56, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Lewis.

Engrossed House Bill 1288

Representative E. Harris called down Engrossed House Bill 1288 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 85, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, S. Smith, Mrvan, and Rogers.

Engrossed House Bill 1036

Representative Kersey called down Engrossed House Bill 1036 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1036-2)

Mr. Speaker: I move that Engrossed House Bill 1036 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 7, strike "eighteen (18)" and insert "**twenty-four (24)**".

Page 2, line 26, strike "eighteen (18)" and insert "**twenty-four (24)**".

Page 3, line 4, strike "eighteen (18)" and insert "**twenty-four (24)**".

Page 3, line 13, strike "eighteen (18)" and insert "**twenty-four (24)**".

Page 3, line 17, strike "eighteen (18)" and insert "**twenty-four (24)**".

(Reference is to HB 1036 as printed January 26, 2007.)

KERSEY

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1036, begs leave to report that said bill has been amended as directed.

KERSEY

Report adopted.

The question then was, Shall the bill pass?

Roll Call 326: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Skinner.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:00 p.m. with the Speaker in the Chair.

Representative Espich, who had been excused, was present. Representative Borders was excused.

Representative Whetstone rose to a point of order requesting a quorum call. The Speaker ordered the roll of the House to be called to determine the presence of absence of a quorum. Roll Call 327: 75 present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1278

Representative Austin called down Engrossed House Bill 1278 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Borror, Espich, Thompson, and Whetstone were excused from voting, pursuant to House Rule 46. Roll Call 328: yeas 71, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Lanane, Wyss, and Broden.

Engrossed House Bill 1256

Representative V. Smith called down Engrossed House Bill 1256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative C. Brown the previous question was called. Roll Call 329: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Kenley, Kruse, and Sipes.

Representative Borders, who had been excused, was present.

Engrossed House Bill 1257

Representative V. Smith called down Engrossed House Bill 1257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Whetstone the previous question was called. Roll Call 330: yeas 53, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Kruse, Kenley, and Sipes.

Engrossed House Bill 1231

Representative Day called down Engrossed House Bill 1231 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Broden, and Dillon.

Engrossed House Bill 1230

Representative Summers called down Engrossed House Bill 1230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 30, nays 64. The bill was defeated.

Engrossed House Bill 1196

Representative Crawford called down Engrossed House Bill 1196 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Summers was excused from voting, pursuant to House Rule 46. Roll Call 333: yeas 58, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Lanane.

Engrossed House Bill 1351

Representative Bardon called down Engrossed House Bill 1351 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic matters.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 334: yeas 62, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Broden.

Engrossed House Bill 1808

Representative Pierce called down Engrossed House Bill 1808 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Whetstone the previous question was called. Roll Call 335: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Broden.

Representative Foley was excused for the rest of the day.

Engrossed House Bill 1083

Representative Orentlicher called down Engrossed House Bill 1083 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Murphy was excused from voting, pursuant to

House Rule 46. Roll Call 336: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Simpson.

Engrossed House Bill 1008

Representative C. Brown called down Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1008-15)

Mr. Speaker: I move that Engrossed House Bill 1008 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 16, line 18, after "to" insert **"do the following:"**.

Page 16, line 19, delete "implement" and insert:

"(1) Implement".

Page 16, between lines 19 and 20, begin a new line block indented and insert:

"(2) Implement IC 12-15-2-13, as amended by this act.

(3) Provide for presumptive eligibility for a pregnant woman described in IC 12-15-2-13, as amended by this act."

(Reference is to HB 1008 as reprinted February 24, 2007.)

C. BROWN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1008, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

The question then was, Shall the bill pass?

After discussion, Representative C. Brown withdrew the call of Engrossed House Bill 1008.

Engrossed House Bill 1019

Representative Duncan called down Engrossed House Bill 1019 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Ford, and Lewis.

Engrossed House Bill 1047

Representative Dickinson called down Engrossed House Bill 1047 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 338: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be announced.

Engrossed House Bill 1008

Representative C. Brown called down Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1008-17)

Mr. Speaker: I move that Engrossed House Bill 1008 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 15, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 17. IC 27-8-5-2, AS AMENDED BY P.L.125-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

(1) The entire money and other considerations for the policy are expressed in the policy.

(2) The time at which the insurance takes effect and terminates is expressed in the policy.

(3) The policy purports to insure only one (1) person, except that a policy may insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children, or any children ~~under a specified age, which shall not exceed nineteen (19) who are less than~~ **twenty-four (24) years of age**, and any other person dependent upon the policyholder.

(4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.

(7) The policy contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the

commissioner.

(8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:

- (A) incapable of self-sustaining employment by reason of mental retardation or mental or physical disability; and
- (B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31) days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a mentally retarded or mentally or physically disabled child where such dependent does not satisfy the conditions of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case, the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent. This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.

(c) An insurer may issue a policy described in this section in electronic or paper form. However, the insurer shall:

- (1) inform the insured that the insured may request the policy in paper form; and
- (2) issue the policy in paper form upon the request of the insured."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as reprinted February 24, 2007.)

C. BROWN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1008, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

HOUSE MOTION (Amendment 1008-16)

Mr. Speaker: I move that Engrossed House Bill 1008 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-2-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 21. (a) As used in this section, "dependent" means:**

(1) a dependent as defined in Section 152 of the Internal Revenue Code; or

(2) a person whom an individual has a legal obligation to support, regardless of the percentage of the person's support the individual provides.

(b) As used in this section, "health insurance" means insurance as described in Section 213(d)(1)(D) of the Internal Revenue Code, except that the term does not include the following:

(1) A qualified long term care policy (as defined in IC 12-15-39.6-5).

(2) Medicare (Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)).

(3) A Medicare supplement policy (as defined in IC 27-8-13-3).

(c) Subject to subsection (d), an individual is entitled to a deduction from the individual's adjusted gross income for a taxable year for amounts spent by the individual during the taxable year on health insurance for the individual, the individual's spouse, or a dependent of the individual. The deduction provided by this subsection is allowable regardless of whether the health insurance is obtained on an individual or a group basis.

(d) The deduction provided under this section is allowable only to the extent that the amounts spent by the individual on health insurance as described in subsection (c) have not otherwise been:

(1) excluded from the computation of federal gross income as defined in Section 61 of the Internal Revenue Code; or

(2) deducted in the computation of federal adjusted gross income under Section 62 of the Internal Revenue Code."

Page 19, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 24. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] **IC 6-3-2-21, as added by this act, applies only to taxable years beginning after December 31, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as reprinted February 24, 2007.)

C. BROWN

The Speaker ordered the roll of the House to be called. Roll Call 339: yeas 89, nays 2. There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1008, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 340: yeas 44, nays 52. The bill was defeated.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

Engrossed House Bill 1175

Representative Dvorak called down Engrossed House Bill 1175 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 341: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Broden.

Engrossed House Bill 1280

Representative Kersey called down Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 342: yeas 53, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Broden.

Representative Orentlicher was excused for the rest of the day.

Engrossed House Bill 1488

Representative Cheney called down Engrossed House Bill 1488 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 343: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Tallian.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1497

Representative L. Lawson called down Engrossed House Bill 1497 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 344: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1019, Roll Call 337, on February 27, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

CROUCH

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed

House Bill 1019, Roll Call 337, on February 27, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

RICHARDSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Crouch and Richardson changes the vote tally for Roll Call 337 to 93 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1067, Roll Call 317, on February 27, 2007. In support of this petition, I submit the following reason:

"I was present but my vote was not record. I intended to vote yea."

WALORSKI

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 317 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1177, Roll Call 322, on February 27, 2007. In support of this petition, I submit the following reason:

"I was present but my vote was not recorded. I intended to vote yea."

WALORSKI

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 322 to 92 yeas, 2 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1256, Roll Call 329, on February 27, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 329 to 92 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1774, Roll Call 296, on February 26, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button. I intended to vote nay."

TURNER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 296 to 70 yeas, 26 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1036.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1067.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Micon be added as coauthor of House Bill 1074.

DAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1406.

DICKINSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1525.

MURPHY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Robertson, the House adjourned at 6:20 p.m., this twenty-seventh day of February, 2007, until Wednesday, February 28, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives